



## Community Board 12 - Manhattan Washington Heights & Inwood

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Shahabuddeen A. Ally, Esq., Chairperson  
Ebenezer Smith, District Manager

April 26, 2018

Hon. Marisa Lago, Chairperson  
NYC Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

### **Resolution Commenting on Land Use, Urban Design and Planning Aspects of the Draft Environmental Impact Statement Prepared For the Proposed Inwood Rezoning ULURP Applications**

Dear Chairperson Lago:

At the General Meeting, Tuesday, April 24, 2018 Community Board 12 Manhattan, passed the following resolution with a vote of 29 in favor, 0 opposed, 0 abstention, 1 not voting.

Whereas: The NYC Economic Development Corporation ("EDC") together with the Department of Housing Preservation and Development ("HPD"), the Department of Citywide Administrative Services ("DCAS"), the Department of Parks and Recreation ("NYC Parks"), and the Department of Small Business Services ("SBS") are proposing a series of land use actions to advance the Mayor's Housing New York: Five-Borough Ten-Year Plan and to implement the Inwood NYC Action Plan. The proposed land use actions (the "Proposed Actions") are outlined in Uniform Land Use Review Procedure ("ULURP") Application numbers 180073MMM, 18204ZMM, 180205 ZRM, 180206 PPM, 180207 PQM and 180208 HAM (the "ULURP Applications"); and

Whereas: Environmental review, known as the City Environmental Quality Review process ("CEQR"), is an essential part of the planning process. CEQR is the City's process for identifying the potential effects a set of proposed land use actions may have on the environment. The City has completed a Draft Environmental Impact Statement ("DEIS") for the ULURP Applications. The DEIS was released for review and comment in January 2018, simultaneous with release of the ULURP Applications. The City Planning Commission ("CPC") will hold a public hearing in May 2018 to obtain comment on the DEIS; and

Whereas: The DEIS includes 25 chapters that assess a wide range of environmental planning considerations and identifying potential impacts, alternatives and mitigation, and unavoidable adverse impacts. Committees of Community Board 12-Manhattan have reviewed chapters of the DEIS are pertinent to their areas of responsibility.

Whereas: At the April 4, 2018 meeting of the Land Use Committee ("Land Use" of the "Committee") Dina Rybak of the New York City Economic Development Corporation ("NYCEDC") made a presentation on the Neighborhood Character, Historic and Cultural Resources and Urban and Visual Resources chapters of the DEIS as requested by Committee Chair Benjamin; and

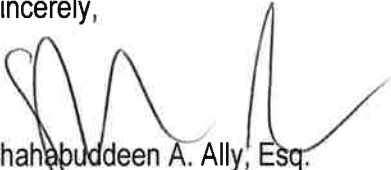
Whereas: At the conclusion of Ms. Rkbak's presentation and after discussion the Committee several key land use and planning concerns with respect to the DEIS. Now, therefore it

Resolved: Community Board 12-Manhattan provides the following comments concerning the land use and planning aspects of the DEIS for the Inwood Rezoning ULURP Applications; calls upon the Office of the Mayor for Housing & Economic e Development, as Lead Agency for the DEIS, ensure that these short-comings are corrected through the execution of supplemental studies prior to the finalization of the EIS; and calls upon City Council member Rodriguez and Borough President Brewer to take such actions as are necessary to ensure that the requested supplemental studies are performed.

1. LPC provided guidance and direction with respect to what the DEIS should analyze with respect to historic resources, but LPC did not include in its guidance and direction consideration of the impacts on the rezoning on the potential historic districts and other potential historic resources that CB12M has advocated for LPC to consider. A supplemental study should be undertaken to correct this in the course of preparing the final EIS.
2. Neighborhood Character, as defined by the CEQR Technical Manual, misses the architectural and urban design nuances that collectively create the sense of place that actually defines neighborhood character. In the course of preparing the final EIS supplemental urban design studies are required to accurately define the neighborhood character of the area subject to the rezoning and then assess impacts on neighborhood character, understanding that for the purpose on an EIS change in and of itself is not considered an adverse impact.
3. A more realistic definition of the elements that are considered as "character defining". The role that architecture, scale, parks and open space, and topography play in defining the built form that characterizes Inwood must be carefully considered and impacts on same assessed in the preparation of the final EIS.
4. The potential impacts of a significant increase in density must be assessed as an impact on Neighborhood Character.
5. Studies from additional vantage points in the community are required to assess potential impacts on view corridors to the Cloisters.

The City must undertake concerted research and efforts beyond the thresholds required by the CEQR Technical Manual to identify areas sensitivity and interest with respect to Native American and African history and legacy and ensure that the assessment of archeological resources fully review and consider impacts on same, without regard for the extent to which these site may already have been disturbed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shahabuddeen A. Ally'.

Shahabuddeen A. Ally, Esq.  
Chairperson

cc: Hon. Bill de Blasio, Mayor  
Hon. Gale Brewer, Manhattan Borough President  
Hon. Scott M. Stringer, Comptroller  
Hon. Letitia James, Public Advocate  
Hon. Adriano Espaillat, Congressman  
Hon. Brian Benjamin, State Senator  
Hon. Marisol Alcantara, State Senator

Hon. Alfred Taylor, Assembly Member  
Hon. Carmen De La Rosa, Assembly Member  
Hon. Ydanis Rodriguez, Council Member  
Hon. Mark Levine, Council Member  
Hon. Edith Hsueh, Director NYC Planning  
Hon. James Patchet, President, NYC EDC  
Charlie Samboy, NYC EDC





Shahabuddeen A. Ally, Esq., Chairperson  
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April 26, 2018

Hon. Marisa Lago, Chairperson  
NYC Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

### **RESOLUTION SUMMARIZING CONCERNS, OBJECTIONS, AND RECOMMENDATIONS FOR CORRECTIVE ACTION WITH REGARDING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED FOR THE PROPOSED INWOOD REZONING ULURP APPLICATIONS**

Dear Chairperson Lago:

At the General Meeting, Tuesday, April 24, 2018 Community Board 12 Manhattan, passed the following resolution with a vote of 29 in favor, 0 opposed, 0 abstention, 1 not voting.

Whereas: In January 2018 the Uniform Land Use Review Procedure ("ULURP") application (the "ULURP Applications") for the Inwood Rezoning proposed by NYC Economic Development Corporation ("EDC") were certified and the draft Environmental Impact Statement ("DEIS") was released for public comment and review. Representatives of the New York City Economic Development Corporation ("NYCEDC") made presentations to the Business Development, Health & Environment, Housing & Human Services, Land Use, Parks & Cultural Affairs, Traffic & Transportation, and other Committees of Community Board 12, Manhattan ("CB12M"). On March 20, 2018 CB12M passed a resolution (the "Resolution") providing detailed comments and recommendation on the ULURP Applications. The Resolution was submitted to the City Planning Commission ("CPC") on March 26, 2018; and

Whereas: CPC will hold a public hearing in mid-May 2018 to obtain comment on the DEIS. The DEIS includes 25 chapters that assess a wide range of planning considerations and identify potential impacts, alternatives and mitigation, and unavoidable adverse impacts. Committees of CB12M have reviewed the chapters of the DEIS which are pertinent to their areas of responsibility; and

Whereas: Subsequent to their review of the DEIS and presentations made by EDC, Committees of CB12M outlined their concerns, objections and recommendations for corrective action with regarding the DEIS; now, therefore be it

Resolved: Community Board 12, Manhattan submits to the City Planning Commission the following compilation of comments regarding the draft Environmental Impact Statement prepared for the Inwood Rezoning ULURP Applications, in addition to a separate resolution generated by the Land Use Committee commenting on neighborhood planning, urban design and land use considerations, as its official comments on the DEIS.

**BUSINESS DEVELOPMENT COMMITTEE:** The DEIS does not adequately review the potential impacts of the proposed rezoning on existing local businesses, including but not limited to primary and secondary displacement, increased rents, and real estate tax pass-thru expenses. Supplemental studies are required in the course of preparing the final EIS to address these short-comings and to outline mitigation measures.

#### **HEALTH & ENVIRONMENT COMMITTEE**

##### **Water and Sewer Infrastructure:**

- The drainage plan being developed by DEP and EDC should be shared with the Community Board as soon as possible after it is completed.
- Any antiquated water and sewer lines in Inwood should be identified, and a 10-year plan implemented for their replacement.

**Solid Waste and Sanitation Services:** Steps should be taken to relocate the other Sanitation Districts in Manhattan and The Bronx now housed in the Inwood garage to conform with the co-terminality mandate of the City Charter and to reduce the extra truck traffic on Inwood's streets.

##### **Air Quality:**

- An air quality monitoring program should be in place for at least 15 years in conjunction with the 15- year traffic monitoring program. The City has not placed air quality monitors in Inwood in the past, and now there is more reason to do so.
- Only two sites in Inwood were included in the air quality model (a third was in The Bronx). This was insufficient. The intersections on Broadway at Dyckman Street and at W. 207<sup>th</sup> Street also should have been included.
- The air quality on Dyckman Street should have been tested after the bike lanes were installed.

**Noise:**

- The “canyon effect” of noise from the subway el being heard inside buildings along Tenth Avenue and Broadway and rebounding into the community was not measured.
- The impact of increased noise on the four high-rise Mitchell-Lama buildings south of Dyckman Street should have been considered.

**Energy:** Steps must be taken to ensure that new electrical and natural gas distribution lines are installed for new development projects wherever necessary.

**Construction**

- Mitigation must be provided for the potentially significant impact on local schools, including I.S. 52, which would be affected by the library project, P.S. 18, P.S./M.S. 278, P.S. 98, the Inwood Academy for Leadership Charter School and the Washington Heights Academy.
- Protections are needed for the waterfront, particularly for the natural habitat in the North Cove.

**Shadows**

- The effect of shadows on the foliage at the Dyckman Farmhouse six hours a day should be minimized.
- The effect of shadows on the schoolyard used by both P.S. 18 and P.S./M.S. 278 should be minimized.

**HOUSING & HUMAN SERVICES COMMITTEE**

1. DEIS incorrectly assesses actual displacement risk. Association for Neighborhood Housing and Development’s Displacement Alert Project identifies CB12 as neighborhood at highest risk for displacement with buildings in the rezoning area particularly vulnerable. See City Limits January 11, 2018 and <http://reports.dapmapnyc.org>. This is further documented in CUNY Dominican Studies Policy Briefs authored by Dr. Ramona Hernandez, “When a Neighborhood becomes a Revolving Door”.
2. CEQR flawed methodology does not take into account preferential renters as one of its potential impacted groups, although this population is one of the most vulnerable to displacement. Propublica identifies 29.1% of zip 10034 and 30.1% of zip 10040 as preferential renters, based on June, 2017 Rent Guidelines Board data. <https://projects.propublica.org> A strong percentage of Inwood renters are already rent burdened. NYU Fuhrman Center data for MN12 2016 shows 31.8% of households are already severely rent-burdened and 45.7 % of low incomes household are already severely rent-burdened. MIH with 80% market rate housing will incentivize landlords to achieve market rate for preferential units resulting in wholesale displacement.
3. CEQR assumes landlords will pursue long term extension of rent regulation in exchange for rehabilitation subsidies. Recent history shows rather a push to achieve market rate deregulation. At <https://docker4data.carto.com> cartographer

4. John Krauss documented from 2010-2014 to loss of stabilized units. This has accelerated since to the 50%-100% loss of stabilized units in the rezoning area. See <http://whoownswhat.justfix.nyc>. Rapid removal from rent stabilization to market rate is supported by this data set. In addition, over the last 14 years, only 600 units have been preserved and retained in stabilization!!
5. CEQR has no basis to assume Inwood housing demand from those outside area will remain static.  
'While Inwood has been since 1970's a majority Dominican community, 58% of white, 53% of black and 70% of Asian population that has relocated to CB12 has done so since 2006. There is every reason to see this pattern continue.  
Reference: "When a Neighborhood Becomes a Revolving Door" Dr. Ramona Hernandez, Dominican Studies Institute, CUNY.
6. MIH apartments will generally not address affordability crisis for Inwood residents. 25% of CB12 households have incomes below \$20,000 per year according to NYU Furman Center 2016 Survey. Most MIH cutoffs start at \$30,000.

#### **PARKS & CULTURAL AFFAIRS COMMITTEE**

##### **"The Future without the Proposed Action (No-Action Condition)" - Page 36**

It is important to note that many of the kinds of buildings which the Proposed Action would allow as-of-right would require a variance under the current zoning. While current height factor zoning has no height limits and does not prohibit development that is both tall and bulky and which could both intrude on the existing sky plane and current view sheds and cast shadows, the current sky exposure plane requirements would mitigate some of these impacts permissible under the Proposed Action. An up-zoning to allow greater height/bulk would therefore, by definition, have a negative impact.

##### **"Probable Impacts of the Proposed Actions / Open Space" - Pages 44-46**

"According to the CEQR Technical Manual, a proposed action may result in a significant impact on open space resources if (a) there would be direct displacement or alteration of existing open space within the study area that would have a significant adverse effect on existing users; or (b) it would reduce the open space ratio and consequently result in the overburdening of existing facilities or further exacerbating a deficiency in open space. The Proposed Actions would not have a direct impact on open space resources in the study area." It is not clear how EDC arrives at this conclusion. There is no clear commitment in the proposed plan for additional open spaces, and there is every intention to add both residents and workers (estimated at 12,088 and 4,712, respectively) through new residential construction, both affordable and market rate. By definition this will reduce the open space ratio.



Deeply troubling are the assertions (pp. 45 & 46) that:

- “the non-residential study area’s passive open space ratio would decrease by more than five percent from the No-Action condition (22.11 percent reduction)” doesn’t constitute a significant adverse impact because the open space ratio would still exceed the City’s planning guideline; and
- It’s acceptable that “the residential active open space ratio would be below the City’s guideline” by a third (1.48 acres/1,000 residents instead of 2.0 acres/thousand), since there are larger parks nearby.

This logic is downright convoluted. Part of why people like living and working in this area is because of its open spaces; it is not an “urban jungle” like midtown. Additionally, our parks and open spaces already are overburdened with inadequate enforcement, maintenance, and sanitation staff, and there is no part of the proposed plan which seeks to address this.

**“Probable Impacts of the Proposed Actions / Shadows” - Pages 46 & 47**

- The projected “significant adverse shadow impacts” described in the report are unacceptable.
- additionally, the analysis does not consider the impact of shadows on the street level of higher, bulkier development in the “Commercial U” on the streets and in the apartments bordering this area. The idea that higher-than-currently-allowed buildings wouldn’t have an impact is untenable, and it is not clear why this was not included in the study.

**“Probable Impacts of the Proposed Actions / Historic and Cultural Resources” - Pages 47 & 48**

We challenge EDC’s assertion that because there is no mechanism to avoid or mitigate potential impacts on privately owned sites despite the NYC Landmarks Preservation Commission’s finding that “12 projected and eight potential development sites are potentially sensitive for prehistoric and/or historic archaeological remains and recommend[ation] that, should the sites be developed, archaeological testing be conducted prior to construction. If it is known that this is a risk of development than some guarantee that that

EDC’s specious argument that because several of Inwood’s cultural and historical resources have not been landmarked and “[t]herefore the Proposed Actions would result in direct impacts to any known or potential historic architectural resources” is troubling. Damaging existing context limits the ability of buildings and areas with clear historical importance but which have not yet been so designated would eliminate the potential for such recognition in the future.

Additionally, any construction on these areas should be monitored to ensure that any human remains discovered may be treated with the appropriate respect and re-interred, and the area re-evaluated for appropriateness as a memorial site rather than a development site.

Finally, the DEIS makes no mention of preservation/restoration of the Seaman-Drake Arch or the 218<sup>th</sup> Street Sanitation stacks, both of which are valuable but under-resourced historical community assets, or of the Hurst House (in the "Upland Core") which has fallen into disrepair through neglect. The DEIS also makes no mention of the need for additional resources to support cultural initiatives, programming and institutions that will have greater demands placed on them by increased population from the residential development.

**"Probable Impacts of the Proposed Actions / Wetlands and Open Water Areas" - Page 50**

The passive and active open space developments proposed in the Waterfront Access Plan (WAP) are excellent and include many of the ideas that CB12M have proposed, discussed, and advocated for \*decades\*. Our concern is that it is only meaningful to the extent that the City is willing actually to fund it, or to require that developers building within the proposed area to implement aspects of the WAP.

Regarding wetlands, we take issue with the following statement: "While development is anticipated to occur under the Proposed Actions on several inland sites; none of these upland development sites possess significant natural resources, as identified by regulatory agencies." The North Cove, an environmental haven and bird sanctuary salvaged from what had been an inland dump, is located just north of W. 207<sup>th</sup> St. at Ninth Ave. This area easily could be threatened by development of the adjacent lots north of the University Heights/207<sup>th</sup> St. Bridge.

**"Probable Impacts of the Proposed Actions / Neighborhood Character" - Page 60**

Once again EDC's prose is positively Orwellian: "The Proposed Actions would not result in significant adverse impacts evaluated for this analysis. Although significant adverse impacts would occur with respect to open space, shadows, historic resources... these impacts would not result in a significant change to one of the determining elements of neighborhood character." This reasoning has all of the elegance and logical rigor of a parent saying to a child, "because I said so."

Yes, actually, they would. Inwood's open sky plane is a defining part of the neighborhood's character. This is not the open space on the ground, but the unobstructed views from and to our parks – some of which are landmarked – and our waterfront. There is no mitigation for puncturing an open sky plane with development. The only mitigation is to not destroy that particular asset in the first place.

**"Mitigation / Open Space" - Pages 65 & 66**

In addition and/or specific to the suggestions made here:

- full funding of the developments proposed in the WAP
- a full renovation of the Msgr. Kett Playground would help to support the increased recreational needs both for children and for basketball-playing teens/adults in the Proposed Area.

**"Mitigation / Shadows" - Page 66**

Not creating shadows by not building so tall/dense would be a better way of mitigating adverse impacts, i.e., by not creating the adverse impacts in the first place.

**TRAFFIC & TRANSPORTATION COMMITTEE:** The DEIS does not adequately analyze the physical condition of the mass transportation system infrastructure, the adequacy and availability of off-street parking, or the major traffic congestion on W. 207<sup>th</sup> St. east of Broadway. Supplemental studies are required in the course of preparing the final EIS to address these shortcomings and to outline mitigation measures.

Sincerely,



Shahabuddeen A. Ally, Esq.  
Chairperson

cc: Hon. Bill de Blasio, Mayor  
Hon. Gale Brewer, Manhattan Borough President  
Hon. Scott M. Stringer, Comptroller  
Hon. Letitia James, Public Advocate  
Hon. Adriano Espaillat, Congressman  
Hon. Brian Benjamin, State Senator  
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